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OFFICE OF PETITIONS

In re Application of
Shibata, et al.
Application No. 09/828,559
Filed: April 6, 2001
Attorney Docket No. 29288.0300

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DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, a copy of which was filed via facsimile on November 17, 2003.

The petition is **GRANTED**.

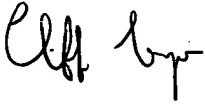
The above-identified application became abandoned for failure to timely file a proper response to the Notice to File Missing Parts of Nonprovisional Application, mailed May 22, 2001, which set an extendable period for reply of two months for applicant to submit an executed oath or declaration and the surcharge for its late filing. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, no executed oath or declaration having been received, the above-identified application became abandoned on July 23, 2001. A Notice of Abandonment was mailed on November 18, 2002.

Petitioner states to have never received the Notice to File Missing Parts of Nonprovisional Application. A review of the application file reveals that the Notice was improperly mailed to the address associated with Customer Number 20300. The Utility Patent Application Transmittal filed with the application, as well as the Application Data Sheet, reveal that petitioner directed the Office to forward all communication to the address associated with Customer Number 20322.

In view thereof, **the holding of abandonment is withdrawn.**

The application file is being forwarded to the Office of Initial Patent Examination for remailing of the Notice to File Missing Parts of Nonprovisional Application to the above address of record, and for setting a new period for reply to the Notice.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions